

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

EMPLOYBRIDGE, LLC, a California
Limited Liability Company, and
EMPLOYMENT SOLUTIONS
MANAGEMENT, INC., a Georgia
Corporation,

Plaintiffs,

v.

Case No. 1:16-cv-00833 WJ/KK

RIVEN ROCK STAFFING, LLC, a Nevada
Limited Liability Company, LARRY SHAUN
SHEPHERD, an individual, CATHERINE
OLINGER, an individual, TERRY MILLER,
an individual, TIMOTHY JAQUEZ, an
individual, and Does 1 through 25, inclusive,

Defendants.

**DEFENDANT TERRY MILLER'S FIRST SET OF INTERROGATORIES TO
PLAINTIFF EMPLOYMENT SOLUTIONS MANAGEMENT, INC.**

Comes now Defendant, Terry Miller, through his counsel of record and pursuant to Fed. R. Civ. P. 33 requests that Defendant Employment Solutions Management, Inc. answer the following within thirty (30) days of service at the law offices of Moody & Warner, P.C., 4169 Montgomery Blvd N.E., Albuquerque, New Mexico 87109.

INTERROGATORY NO. 1: Please describe the specific process by which you contend that Terry Miller received and electronically signed the Employment Agreement that is attached to the Amended Complaint as Exhibit 4, and identify all documents in support of the contention, including but not limited to any and all emails, email confirmations, electronic records, pdf or word format properties and all supporting metadata demonstrating that he received and electronically signed the Employment Agreement.

ANSWER:

INTERROGATORY NO. 2: Please identify the specific time and date Miller's Employment Agreement was received and signed by Plaintiff, how it was received by Plaintiff, how it was stored at all times since its receipt, where it has been stored, when it was originally stored and by whom, and identify the individuals who have had access to Miller's Employment Agreement since its receipt.

ANSWER:

INTERROGATORY NO. 3: Please identify all material facts known to Plaintiff at the time of the filing of the original Complaint in support of the allegations that Terry Miller personally solicited employees or temporary workers of EmployBridge, and provide the name(s) of each individual with personal knowledge of each material fact identified.

ANSWER:

INTERROGATORY NO. 4: Please identify all material facts known to Plaintiff at the time of the filing of the original Complaint in support of the allegations that Miller personally misappropriated or used trade secrets and/or confidential information, and provide the name(s) of each individual with personal knowledge of each material fact identified.

ANSWER:

INTERROGATORY NO. 5: Please describe all investigative steps taken by Plaintiff, prior to filing the original Complaint, to determine whether or not Terry Miller personally solicited

customers of EmployBridge, solicited employees of temporary workers of EmployBridge, and/or misappropriated or used trade secrets or confidential information of EmployBridge, provide the name of each individual involved in the investigation, and describe their particular role in the investigation.

ANSWER:

INTERROGATORY NO. 6: Please identify all customers of Plaintiff whom you contend Miller had responsibility or with whom he had contact during his employment with Plaintiff.

ANSWER:

INTERROGATORY NO. 7: For the customers identified in Interrogatory No. 6, please identify each customer of EmployBridge whom you contend Miller solicited, the date on which the solicitation took place, the manner in which the solicitation took place, with whom the solicitation took place, and the identity of all material witnesses with knowledge or information about each solicitation.

ANSWER:

INTERROGATORY NO. 8: Please identify each employee or temporary worker of EmployBridge whom you contend Miller solicited, the date on which the solicitation took place, the manner in which the solicitation took place, with whom the solicitation took place, and the identity of all material witnesses with knowledge or information about each solicitation.

ANSWER:

INTERROGATORY 9: Please provide all material facts in support of your contention in Paragraph 80 of the Amended Complaint that Miller has, or is, “using EmployBridge’s confidential information with the knowledge that such information is a trade secret belonging to EmployBridge,” the date on which the use of confidential and/or trade secret information took place, the manner in which the misappropriation or improper use took place, and please identify all material witnesses with knowledge or information about each alleged use of trade secret information by Miller.

ANSWER:

INTERROGATORY 10: Please provide all material facts in support of your contention in Paragraphs 113, 171 & 173 of the Amended Complaint that Miller personally “used, disclosed and/or divulged EmployBridge’s confidential and/or trade secrets information” and/or “threatened to disclose and/or use, and/or have disclosed and/or used EmployBridge’s trade secrets without express or implied consent,” including the date on the which the conduct took place and the manner in which it took place, and please identify all material witnesses with knowledge or information about each alleged threatened disclosure or use.

ANSWER:

INTERROGATORY NO. 11: Please provide all material facts in support of your contention in Paragraph 120 of the Amended Complaint that Miller personally “interfered and continue[s] to interfere with EmployBridge’s contractual relationships with its customers by soliciting customers to discontinue their business with EmployBridge and/or to purchase from Defendants services they previously purchased or are currently purchasing from EmployBridge,” including

the date on the which the conduct took place and the manner in which it took place, and please identify all material witnesses with knowledge or information about each alleged unlawful act of interference.

ANSWER:

INTERROGATORY NO. 12: Please provide all material facts in support of your contention in Paragraph 144 of the Amended Complaint that Miller personally “interfered and continue[s] to interfere with EmployBridge’s contractual relationship with Jacquez by inducing Jacquez to breach his Agreement with EmployBridge,” including the date on the which the conduct took place and the manner in which it took place, and please identify all material witnesses with knowledge or information about each alleged unlawful act of interference.

ANSWER:

INTERROGATORY NO. 13: Please provide all material facts in support or your contention in Paragraph 161 of the Amended Complaint that Miller “conspired by concerted action to solicit EmployBridge’s customers, and/or interfere with EmployBridge’s relationships with its customers, contractual or otherwise,” including the date of the alleged concerted action, the identity of each individual involved in each concerted action, the manner in which the concerted action took place, and the identity of all material witnesses with knowledge or information about each alleged concerted action.

ANSWER:

INTERROGATORY NO. 14: Please describe the damages that you contend were caused by the unlawful actions of Miller and please provide a specific computation of those damages.

ANSWER:

INTERROGATORY NO. 15: Please identify all witnesses who you believe may have relevant knowledge or information about the allegations underlying the First Amended Complaint, and include a description of the knowledge or information that you believe each witness possesses.

ANSWER:

INTERROGATORY NO. 16: Please identify all documents that you may seek to introduce into evidence at trial.

ANSWER:

INTERROGATORY NO. 17: Please identify any and all expert witnesses that you tend to utilize in this lawsuit.

ANSWER:

Respectfully submitted,

MOODY & WARNER, P.C.

By: /s/ RDS 2016.10.26

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